

REMARKS

Claims 1-9 are pending in the application.

Claims 1-9 have been rejected.

No Claims have been amended, and reconsideration is respectfully requested in light of the following arguments and remarks.

I. REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-4 and 7-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zaki (US Patent No. 7,164,915) in view of Friday (US Patent Application Publication No. 2006/0187873).

Claims 5-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zaki (US Patent No. 7,164,915) in view of Friday (US Patent Application Publication No. 2006/0187873) and further in view of Astarabadi (US Patent Application Publication 2005/0138178).

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Zaki (US Patent No. 7,164,915) in view of Astarabadi (US Patent Application Publication 2005/0138178) and further in view of Davi (“Alternative Wireless”).

The rejections are respectfully traversed.

With respect to Claims 1-8, in Applicant’s prior response, independent Claims 1, 3 and 7 were amended to recite “receiving from the first access point the roaming candidate list identifying the plurality of candidate access points in the WLAN.” And, independent Claim 5 was amended to recite “wherein the roaming candidate list identifying the plurality of candidate access points in the WLAN is received from the first access point.”

The Office Action concedes that Zaki fails to disclose each of these elements/features (see, Office Action, p. 3, 8) but argues that Friday teaches these elements/features, and it would be obvious to incorporate the teachings of Friday in the system of Zaki (or Zaki and Astarabadi).

The U.S. filing date of the Friday reference is July 15, 2005, and which claims an effective priority date of February 18, 2005 (by its claim of priority to US provisional application 60/654,621). The instant application has a filing date of December 16, 2005, but has an effective priority date of

December 16, 2004 – which is earlier than the priority date of the Friday reference. Therefore, the Friday reference is unavailable as prior art against the instant application. For reference, Applicant directs the Examiner's attention to Applicant's US Provisional Patent Application Serial No. 60/636,741, particularly pages 38-39 and 1-5, which describe the client/terminal receiving a roaming candidate list from an access point. Therefore, the roaming candidate list feature/element as recited in the claims has priority to at least December 16, 2004.

Based on the foregoing, Claims 1-8 are patentable over the cited references, and this response overcomes the rejections of Claims 1-8.

With respect to Claim 9, and as set forth in Applicant's prior response, original Claim 9 recites that “the access points in a first cell are operable for transmitting a roaming candidate list to a mobile device associated with one of the access points in the first cell, the list identifying one or more neighborhood access points.” The Office Action points to Astarabadi (Figure 2, #450, Figure 3, #458 and Col. 3, paragraph 0041) as teaching this element/feature. Applicant respectfully disagrees. This portion of Astarabadi merely describes that the “AP list” may be downloaded. What APs are identified in this list is undetermined. Applicant's list is a list of roaming candidates. Astarabadi does not disclose this. In fact, reference to Astarabadi, Col. 3, paragraph 0036, confirms that the “AP list” is provided to the wireless station upon initial login, and the list includes “each AP to which a user of the wireless station has access privileges.” Thus, Applicant submits that the AP list initially downloaded to the wireless station in Astarabadi is not a “roaming candidate list” as that term is used and described in Applicant's specification. The Davi reference fails to cure the noted deficiencies in Zaki and Astarabadi, therefore, the proposed combination of Zaki-Astarabadi-Davi fails to render obvious Claim 9.

Based on the foregoing, Claim 9 is patentable over the cited references, and this response overcomes the rejection of Claim 9.

II. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at [rmccutcheon@munckcarter.com](mailto:rmccutcheon@munckcarter.com).

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Nortel Networks Deposit Account No. 14-1315.

Respectfully submitted,

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